

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

05/27/23
Date

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3699 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Paul Bettencourt
Bettencourt (chair)

Bob Hall
Hall

Angela Paxton
Paxton

Spangenberg
Spangenberg

Rg West
On the part of the Senate West

J M W
Robert A

Coq
VIASUT

Edm
THompson Borzoin

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3699

A BILL TO BE ENTITLED

1 AN ACT

2 relating to municipal regulation of subdivisions and approval of
3 subdivision plans or plats.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 212.001(2) and (3), Local Government
6 Code, are amended to read as follows:

7 (2) [~~"Plan" means a subdivision development plan,~~
8 ~~including a subdivision plan, subdivision construction plan, site~~
9 ~~plan, land development application, and site development plan.~~

10 [(3)] "Plat" includes a preliminary plat, [~~general~~
11 ~~plan,~~] final plat, and replat.

12 SECTION 2. Subchapter A, Chapter 212, Local Government
13 Code, is amended by adding Section 212.0015 to read as follows:

14 Sec. 212.0015. CONSTRUCTION OF SUBCHAPTER. This subchapter
15 may not be construed to restrict a municipality from establishing a
16 submittal calendar to be used by an applicant to facilitate
17 compliance with the approval process described by Sections 212.009,
18 212.0091, 212.0093, and 212.0095.

19 SECTION 3. Subchapter A, Chapter 212, Local Government
20 Code, is amended by adding Section 212.0021 to read as follows:

21 Sec. 212.0021. SUBDIVISION REQUIREMENTS. The governing
22 body of a municipality, by ordinance and after notice is published
23 in a newspaper of general circulation in the municipality, may:

24 (1) adopt, based on the amount and kind of travel over

1 each street or road in a subdivision, reasonable specifications
2 relating to the construction of each street or road; and
3 (2) adopt reasonable specifications to provide
4 adequate drainage for each street or road in a subdivision in
5 accordance with standard engineering practices.

6 SECTION 4. Section 212.004, Local Government Code, is
7 amended by amending Subsections (a) and (b) and adding Subsections
8 (f) and (g) to read as follows:

9 (a) The owner of a tract of land located within the limits or
10 in the extraterritorial jurisdiction of a municipality who divides
11 the tract in two or more parts to lay out a subdivision of the tract,
12 including an addition to a municipality, to lay out suburban,
13 building, or other lots, or to lay out streets, alleys, squares,
14 parks, or other parts of the tract intended by the owner of the
15 tract to be dedicated to public use [~~or for the use of purchasers or~~
16 ~~owners of lots fronting on or adjacent to the streets, alleys,~~
17 ~~squares, parks, or other parts]~~ must have a plat of the subdivision
18 prepared. A division of a tract under this subsection includes a
19 division regardless of whether it is made by using a metes and
20 bounds description in a deed of conveyance or in a contract for a
21 deed, by using a contract of sale or other executory contract to
22 convey, or by using any other method. A division of land under this
23 subsection does not include a division of land into parts greater
24 than five acres, where each part has access and no public
25 improvement is being dedicated.

26 (b) To be recorded, the plat must:

27 (1) describe the subdivision by metes and bounds;

1 (2) locate the subdivision with respect to a corner of
2 the survey or tract or an original corner of the original survey of
3 which it is a part; and

4 (3) state the dimensions of the subdivision and of
5 each street, alley, square, park, or other part of the tract
6 intended by the owner of the tract to be dedicated to public use [~~or~~
7 ~~for the use of purchasers or owners of lots fronting on or adjacent~~
8 ~~to the street, alley, square, park, or other part~~].

9 (f) A plat is considered filed on the date the applicant
10 submits the plat, along with a completed plat application and the
11 application fees and other requirements prescribed by or under this
12 subchapter, to:

13 (1) the governing body of the municipality; or

14 (2) the municipal authority responsible for approving
15 plats.

16 (g) The governing body of a municipality or the municipal
17 authority responsible for approving plats may not require an
18 analysis, study, document, agreement, or similar requirement to be
19 included in or as part of an application for a plat, development
20 permit, or subdivision of land that is not explicitly required by
21 state law.

22 SECTION 5. Section 212.005, Local Government Code, is
23 amended to read as follows:

24 Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The
25 municipal authority responsible for approving plats must approve a
26 plat or replat that is required to be prepared under this subchapter
27 and that satisfies the requirements of this subchapter [all

1 ~~applicable regulations].~~

2 (b) This subchapter may not be construed to convey any
3 authority to a municipality regarding the completeness of an
4 application or the approval of a plat or replat that is not
5 explicitly granted by this subchapter.

6 SECTION 6. Sections 212.0065(a) and (c), Local Government
7 Code, are amended to read as follows:

8 (a) The governing body of a municipality or the municipal
9 planning commission may delegate to one or more officers or
10 employees of the municipality or of a utility owned or operated by
11 the municipality the ability to approve, approve with conditions,
12 or disapprove a plat [+

13 ~~[(1) amending plats described by Section 212.016,~~

14 ~~[(2) minor plats or replats involving four or fewer~~
15 ~~lots fronting on an existing street and not requiring the creation~~
16 ~~of any new street or the extension of municipal facilities, or~~

17 ~~[(3) a replat under Section 212.0145 that does not~~
18 ~~require the creation of any new street or the extension of municipal~~
19 ~~facilities].~~

20 (c) An applicant has the right to appeal to the governing
21 body of the municipality or the municipal planning commission if
22 the designated [The] person disapproves a [or persons shall not
23 disapprove the] plat [and shall be required to refer any plat which
24 the person or persons refuse to approve to the municipal authority
25 responsible for approving plats within the time period specified in
26 Section 212.009].

27 SECTION 7. Subchapter A, Chapter 212, Local Government

1 Code, is amended by adding Section 212.0081 to read as follows:

2 Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each
3 municipality to which this subchapter applies shall adopt and make
4 available to the public a complete, written list of all
5 documentation and other information that the municipality requires
6 to be submitted with a plat application. The required documentation
7 and other information must be related to a requirement authorized
8 under this subchapter.

9 (b) An application submitted to the municipal authority
10 responsible for approving plats that contains all documents and
11 other information on the list provided under Subsection (a) is
12 considered complete.

13 (c) A municipality that operates an Internet website shall
14 publish and continuously maintain the list described by Subsection
15 (a) on the Internet website not later than the 30th day after the
16 date the municipality adopts or amends the list.

17 (d) A municipality that does not operate an Internet website
18 shall publish the list described by Subsection (a) on adoption of
19 the list or an amendment to the list in:

20 (1) a newspaper of general circulation in the
21 municipality; and

22 (2) a public place in the location in which the
23 governing body of the municipality meets.

24 SECTION 8. Sections 212.009(a), (b), (b-2), (c), and (d),
25 Local Government Code, are amended to read as follows:

26 (a) The municipal authority responsible for approving plats
27 shall approve, approve with conditions, or disapprove a [~~plan or~~]

1 plat within 30 days after the date the [~~plan or~~] plat is filed. A
2 [~~plan or~~] plat is approved by the municipal authority unless it is
3 disapproved within that period and in accordance with Section
4 212.0091.

5 (b) If an ordinance requires that a [~~plan or~~] plat be
6 approved by the governing body of the municipality in addition to
7 the planning commission, the governing body shall approve, approve
8 with conditions, or disapprove the [~~plan or~~] plat within 30 days
9 after the date the [~~plan or~~] plat is approved by the planning
10 commission or is approved by the inaction of the commission. A
11 [~~plan or~~] plat is approved by the governing body unless it is
12 disapproved within that period and in accordance with Section
13 212.0091.

14 (b-2) Notwithstanding Subsection (a) or (b), the parties
15 shall [~~may~~] extend the 30-day period described by those subsections
16 for one or more periods, each [~~a period~~] not to exceed 30 days if:

17 (1) both:

18 (A) the applicant requests the extension in
19 writing to the municipal authority responsible for approving plats
20 or the governing body of the municipality, as applicable; and

21 (B) [~~(2)~~] the municipal authority or governing
22 body, as applicable, approves the extension request; or

23 (2) Chapter 2007, Government Code, requires the
24 municipality to perform a takings impact assessment in connection
25 with the plan or plat.

26 (c) If a [~~plan or~~] plat is approved, the municipal authority
27 giving the approval shall endorse the [~~plan or~~] plat with a

1 certificate indicating the approval. The certificate must be signed
2 by:

3 (1) the authority's presiding officer and attested by
4 the authority's secretary; or

5 (2) a majority of the members of the authority.

6 (d) If the municipal authority responsible for approving
7 plats fails to approve, approve with conditions, or disapprove a
8 ~~[plan or]~~ plat within the prescribed period, the authority on the
9 applicant's request shall issue a certificate stating the date the
10 ~~[plan or]~~ plat was filed and that the authority failed to act on the
11 ~~[plan or]~~ plat within the period. The certificate is effective in
12 place of the endorsement required by Subsection (c).

13 SECTION 9. Section 212.0091(a), Local Government Code, is
14 amended to read as follows:

15 (a) A municipal authority or governing body that
16 conditionally approves or disapproves a ~~[plan or]~~ plat under this
17 subchapter shall provide the applicant a written statement of the
18 conditions for the conditional approval or reasons for disapproval
19 that clearly articulates each specific condition for the
20 conditional approval or reason for disapproval.

21 SECTION 10. Sections 212.0093, 212.0095, and 212.0096,
22 Local Government Code, are amended to read as follows:

23 Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO
24 CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional
25 approval or disapproval of a ~~[plan or]~~ plat under Section 212.0091,
26 the applicant may submit to the municipal authority or governing
27 body that conditionally approved or disapproved the ~~[plan or]~~ plat

1 a written response that satisfies each condition for the
2 conditional approval or remedies each reason for disapproval
3 provided. The municipal authority or governing body may not
4 establish a deadline for an applicant to submit the response.

5 Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL
6 OF RESPONSE. (a) A municipal authority or governing body that
7 receives a response under Section 212.0093 shall determine whether
8 to approve or disapprove the applicant's previously conditionally
9 approved or disapproved [~~plan or~~] plat not later than the 15th day
10 after the date the response was submitted.

11 (b) A municipal authority or governing body that
12 conditionally approves or disapproves a [~~plan or~~] plat following
13 the submission of a response under Section 212.0093:

14 (1) must comply with Section 212.0091; and

15 (2) may disapprove the [~~plan or~~] plat only for a
16 specific condition or reason provided to the applicant under
17 Section 212.0091.

18 (c) A municipal authority or governing body that receives a
19 response under Section 212.0093 shall approve a previously
20 conditionally approved or disapproved [~~plan or~~] plat if the
21 response adequately addresses each condition of the conditional
22 approval or each reason for the disapproval.

23 (d) A previously conditionally approved or disapproved
24 [~~plan or~~] plat is approved if:

25 (1) the applicant filed a response that meets the
26 requirements of Subsection (c); and

27 (2) the municipal authority or governing body that

1 received the response does not disapprove the [~~plan or~~] plat on or
2 before the date required by Subsection (a) and in accordance with
3 Section 212.0091.

4 Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL
5 PROCESS. (a) Notwithstanding Sections 212.009, 212.0091,
6 212.0093, and 212.0095, an applicant may elect at any time to seek
7 approval for a [~~plan or~~] plat under an alternative approval process
8 adopted by a municipality if the process allows for a shorter
9 approval period than the approval process described by Sections
10 212.009, 212.0091, 212.0093, and 212.0095.

11 (b) An applicant that elects to seek approval under the
12 alternative approval process described by Subsection (a) is not:

13 (1) required to satisfy the requirements of Sections
14 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action
15 challenging a disapproval of a [~~plan or~~] plat under this
16 subchapter; and

17 (2) prejudiced in any manner in bringing the action
18 described by Subdivision (1), including satisfying a requirement to
19 exhaust any and all remedies.

20 SECTION 11. Section 212.0099, Local Government Code, is
21 amended to read as follows:

22 Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal
23 action challenging a disapproval of a [~~plan or~~] plat under this
24 subchapter, the municipality has the burden of proving by clear and
25 convincing evidence that the disapproval meets the requirements of
26 this subchapter or any applicable case law. The court may not use a
27 deferential standard.

1 SECTION 12. Section 212.010, Local Government Code, is
2 amended by adding Subsections (c), (d), and (e) to read as follows:

3 (c) The municipal authority responsible for approving plats
4 may not require the dedication of land within a subdivision for a
5 future street or alley that is:

6 (1) not intended by the owner of the tract; and

7 (2) not included, funded, and approved in:

8 (A) a capital improvement plan adopted by the
9 municipality; or

10 (B) a similar plan adopted by a county in which
11 the municipality is located or the state.

12 (d) A municipal authority responsible for approving plats
13 may not refuse to review a plat or to approve a plat for recordation
14 for failure to identify a corridor, as defined by Section 201.619,
15 Transportation Code, unless the corridor is part of an agreement
16 between the Texas Department of Transportation and a county in
17 which the municipality is located under that section.

18 (e) If a municipal authority responsible for approving
19 plats fails or refuses to approve a plat that meets the requirements
20 of this subchapter, the owner of the tract that is the subject of
21 the plat may bring an action in a district court in a county in which
22 the tract is located for a writ of mandamus to compel the municipal
23 authority to approve the plat by issuing to the owner applicable
24 approval documentation. The applicant shall recover reasonable
25 attorney's fees and court costs in the action if the applicant
26 prevails. The municipality may recover reasonable attorney's fees
27 and court costs in the action if the municipality prevails and the

1 court finds the action is frivolous.

2 SECTION 13. As soon as practicable after the effective date
3 of this Act but not later than January 1, 2024, each municipality
4 shall adopt and publish the list described by Section 212.0081,
5 Local Government Code, as added by this Act.

6 SECTION 14. The changes in law made by this Act apply only
7 to an application submitted on or after the effective date of this
8 Act. An application submitted before the effective date of this Act
9 is governed by the law applicable to the application immediately
10 before the effective date of this Act, and that law is continued in
11 effect for that purpose.

12 SECTION 15. This Act takes effect September 1, 2023.

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HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

No equivalent provision.

Same as House version.

SECTION 1. Sections 212.001(2) and (3), Local Government Code, are amended to read as follows:
(2) ~~["Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.~~
~~[(3)]~~ "Plat" includes a preliminary plat, ~~[general plan,]~~ final plat, and replat.

No equivalent provision.

Same as House version.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0015 to read as follows:
Sec. 212.0015. CONSTRUCTION OF SUBCHAPTER.
This subchapter may not be construed to restrict a municipality from establishing a submittal calendar to be used by an applicant to facilitate compliance with the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0021 to read as follows:

SECTION 1. Same as House version.

SECTION 3. Same as House version.

Sec. 212.0021. SUBDIVISION REQUIREMENTS. The governing body of a municipality, by ordinance and after notice is published in a newspaper of general circulation in the municipality, may:

(1) adopt, based on the amount and kind of travel over each street or road in a subdivision, reasonable specifications relating to the construction of each street or road; and

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(2) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices.

No equivalent provision.

SENATE VERSION (CS)

SECTION 2. Section 212.003(a), Local Government Code, is amended to read as follows:

(a) The governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section 212.002 and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health. However, unless otherwise authorized by state law, in its extraterritorial jurisdiction a municipality shall not regulate, either directly or indirectly:

- (1) the use of any building or property for business, industrial, residential, or other purposes;
- (2) the bulk, height, or number of buildings constructed on a particular tract of land;
- (3) the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;
- (4) the minimum size of a lot, dimensions of a lot, minimum width of a lot frontage, minimum distance a lot must be set

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Same as House version.

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SENATE VERSION (CS)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

back from a road or property line, or another component of lot density on a particular tract of land;

~~(5)~~ the number of residential units that can be built per acre of land; or

~~(6)~~ ~~(5)~~ the size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if[;

~~(A)~~ the facility meets the minimum standards established for water or wastewater facilities by state and federal regulatory entities[; and

~~(B)~~ the developed tract of land is:

~~(i)~~ located in a county with a population of 2.8 million or more; and

~~(ii)~~ served by:

~~(a)~~ on-site septic systems constructed before September 1, 2001, that fail to provide adequate services; or

~~(b)~~ on-site water wells constructed before September 1, 2001, that fail to provide an adequate supply of safe drinking water].

SECTION 2. Sections 212.004(a) and (b), Local Government Code, are amended to read as follows:

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets,

SECTION 3. Same as House version.

SECTION 4. Section 212.004, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (f) and (g) to read as follows:

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets,

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alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use *or for the private use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts to be maintained by the purchasers or owners of those lots* must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(b) To be recorded, the plat must:

- (1) describe the subdivision by metes and bounds;
- (2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and
- (3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended by the owner of the tract to be dedicated to public use *or for the private use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part to be maintained by the purchasers or owners of those lots*.

SENATE VERSION (CS)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use ~~*or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts*~~ must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(b) To be recorded, the plat must:

- (1) describe the subdivision by metes and bounds;
- (2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and
- (3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended by the owner of the tract to be dedicated to public use ~~*or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part*~~.

(f) A plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements prescribed by or under this subchapter, to:

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SENATE VERSION (CS)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(1) the governing body of the municipality; or
(2) the municipal authority responsible for approving plats.

(g) The governing body of a municipality or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly required by state law.

SECTION 3. Section 212.005, Local Government Code, is amended to read as follows:

Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies the requirements of this subchapter [~~all applicable regulations~~].

(b) This subchapter may not be construed to convey any authority to a municipality regarding the completeness of an application or the approval of a plat or replat that is not explicitly granted by this subchapter.

No equivalent provision.

SECTION 4. Same as House version.

Same as House version.

SECTION 5. Same as House version.

SECTION 6. Sections 212.0065(a) and (c), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality or the municipal planning commission may delegate to one or more officers or employees of the municipality or of a utility owned or

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SENATE VERSION (CS)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

operated by the municipality the ability to approve, approve with conditions, or disapprove a plat [:

~~[(1) amending plats described by Section 212.016;~~

~~[(2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or~~
~~[(3) a replat under Section 212.0145 that does not require the creation of any new street or the extension of municipal facilities].~~

(c) An applicant has the right to appeal to the governing body of the municipality or the municipal planning commission if the designated [The] person disapproves a [or persons shall not disapprove the] plat [and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section 212.009].

SECTION 4. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0081 to read as follows:

Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each municipality *to which this subchapter applies* shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. The required documentation and other information must be related to a requirement authorized under this subchapter.

SECTION 5. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0081 to read as follows:

Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each municipality shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. The required documentation and other information must be related to a requirement authorized under this subchapter.

SECTION 7. Same as House version.

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(b) *An application* submitted to the municipal authority responsible for approving plats that contains all documents and other information on the list provided under Subsection (a) is considered complete.

(c) A municipality that operates an Internet website shall publish and continuously maintain the list described by Subsection (a) on the Internet website not later than the 30th day after the date the municipality adopts or amends the list.

(d) A municipality that does not operate an Internet website shall publish the list described by Subsection (a) on adoption of the list or an amendment to the list in:

(1) a newspaper of general circulation in the municipality; and

(2) a public place in the location in which the governing body of the municipality meets.

SECTION 5. Section 212.009(b-2), Local Government Code, is amended to read as follows:

SENATE VERSION (CS)

(b) *A plat application* submitted to the municipal authority responsible for approving plats that contains all documents and other information on the list provided under Subsection (a) is considered complete.

(c) A municipality that operates an Internet website shall publish and continuously maintain the list described by Subsection (a) on the Internet website not later than the 30th day after the date the municipality adopts or amends the list.

(d) A municipality that does not operate an Internet website shall publish the list described by Subsection (a) on adoption of the list or an amendment to the list in:

(1) a newspaper of general circulation in the municipality; and

(2) a public place in the location in which the governing body of the municipality meets.

SECTION 6. Same as House version.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 8. Sections 212.009(a), (b), (b-2), (c), and (d), Local Government Code, are amended to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a ~~[plan or]~~ plat within 30 days after the date the ~~[plan or]~~ plat is filed. A ~~[plan or]~~ plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a ~~[plan or]~~ plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the

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HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(b-2) Notwithstanding Subsection (a) or (b), the parties shall ~~[may]~~ extend the 30-day period described by those subsections for *a period* not to exceed 30 days if:

(1) both:

(A) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(B) ~~[(2)]~~ the municipal authority or governing body, as applicable, approves the extension request; or

(2) Chapter 2007, Government Code, requires the municipality to perform a takings impact assessment in connection with the plan or plat.

~~[plan or]~~ plat within 30 days after the date the ~~[plan or]~~ plat is approved by the planning commission or is approved by the inaction of the commission. A ~~[plan or]~~ plat is approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

(b-2) Notwithstanding Subsection (a) or (b), the parties shall ~~[may]~~ extend the 30-day period described by those subsections for *one or more periods, each [a period]* not to exceed 30 days if:

(1) both:

(A) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(B) ~~[(2)]~~ the municipal authority or governing body, as applicable, approves the extension request; or

(2) Chapter 2007, Government Code, requires the municipality to perform a takings impact assessment in connection with the plan or plat.

(c) If a ~~[plan or]~~ plat is approved, the municipal authority giving the approval shall endorse the ~~[plan or]~~ plat with a certificate indicating the approval. The certificate must be signed by:

(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a ~~[plan or]~~ plat within the prescribed period, the authority on the applicant's request shall issue a certificate

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stating the date the ~~[plan or]~~ plat was filed and that the authority failed to act on the ~~[plan or]~~ plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

No equivalent provision.

Same as House version.

SECTION 9. Section 212.0091(a), Local Government Code, is amended to read as follows:

(a) A municipal authority or governing body that conditionally approves or disapproves a ~~[plan or]~~ plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

No equivalent provision.

Same as House version.

SECTION 10. Sections 212.0093, 212.0095, and 212.0096, Local Government Code, are amended to read as follows:

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a ~~[plan or]~~ plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the ~~[plan or]~~ plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

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Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A municipal authority or governing body that receives a response under Section 212.0093 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved ~~[plan or]~~ plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a ~~[plan or]~~ plat following the submission of a response under Section 212.0093:

- (1) must comply with Section 212.0091; and
- (2) may disapprove the ~~[plan or]~~ plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved ~~[plan or]~~ plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved ~~[plan or]~~ plat is approved if:

- (1) the applicant filed a response that meets the requirements of Subsection (c); and
- (2) the municipal authority or governing body that received the response does not disapprove the ~~[plan or]~~ plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

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Sec. 212.0096. APPROVAL PROCEDURE:
ALTERNATIVE APPROVAL PROCESS. (a)

Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a ~~[plan or]~~ plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a ~~[plan or]~~ plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

SECTION 11. Section 212.0099, Local Government Code, is amended to read as follows:

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a ~~[plan or]~~ plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

No equivalent provision.

Same as House version.

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SECTION 6. Section 212.010, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The municipal authority responsible for approving plats may not require the dedication of land within a subdivision for a future street or alley that is:

(1) not intended by the owner of the tract; and

(2) not included, funded, and approved in:

(A) a capital improvement plan adopted by the municipality; or

(B) a similar plan adopted by a county in which the municipality is located or the state.

(d) A municipal authority responsible for approving plats may not refuse to review a plat or to approve a plat for recordation for failure to identify a corridor, as defined by Section 201.619, Transportation Code, unless the corridor is part of an agreement between the Texas Department of Transportation and a county in which the municipality is located under that section.

(e) If a municipal authority responsible for approving plats fails or refuses to approve a plat that meets the requirements of this subchapter, the owner of the tract that is the subject of the plat may bring an action in a district court in a county in which the tract is located for a writ of mandamus to compel the municipal authority to approve the plat by issuing to the owner applicable approval documentation. ***The prevailing party may recover reasonable and necessary attorney's fees and court costs in the action.***

SENATE VERSION (CS)

SECTION 7. Same as House version.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 12. Section 212.010, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The municipal authority responsible for approving plats may not require the dedication of land within a subdivision for a future street or alley that is:

(1) not intended by the owner of the tract; and

(2) not included, funded, and approved in:

(A) a capital improvement plan adopted by the municipality; or

(B) a similar plan adopted by a county in which the municipality is located or the state.

(d) A municipal authority responsible for approving plats may not refuse to review a plat or to approve a plat for recordation for failure to identify a corridor, as defined by Section 201.619, Transportation Code, unless the corridor is part of an agreement between the Texas Department of Transportation and a county in which the municipality is located under that section.

(e) If a municipal authority responsible for approving plats fails or refuses to approve a plat that meets the requirements of this subchapter, the owner of the tract that is the subject of the plat may bring an action in a district court in a county in which the tract is located for a writ of mandamus to compel the municipal authority to approve the plat by issuing to the owner applicable approval documentation. ***The applicant shall recover reasonable attorney's fees and court costs in the action if the applicant prevails. The municipality may recover reasonable attorney's fees and***

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court costs in the action if the municipality prevails and the court finds the action is frivolous.

SECTION 7. As soon as practicable after the effective date of this Act but not later than January 1, 2024, each municipality shall adopt and publish the list described by Section 212.0081, Local Government Code, as added by this Act.

SECTION 8. Same as House version.

SECTION 13. Same as House version.

SECTION 8. The changes in law made by this Act apply only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law applicable to the application immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 9. Same as House version.

SECTION 14. Same as House version.

SECTION 9. This Act takes effect September 1, 2023.

SECTION 10. ***This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.***

SECTION 15. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 27, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3699 by Wilson (Relating to municipal regulation of subdivisions and approval of subdivision plans or plats.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

There could be an impact on certain municipalities related to the regulation of subdivisions and approval procedures for subdivision plans and plats, as would be amended by the bill.

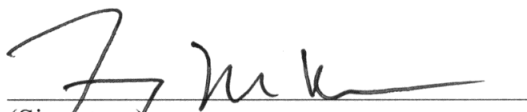
Source Agencies:

LBB Staff: JMc, CMA, SD, AF, NTh

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order.

I certify that a copy of the conference committee report on HB 3699 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before paper copies of the report were submitted to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



(Signature)

05/27/23

(Date)